

ACT 752 1991
A Bill

1 State of Arkansas
2 78th General Assembly
3 Regular Session, 1991
4 By: Representative Gibson
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HOUSE BILL 1447

For An Act To Be Entitled

"AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE
TITLE 8, CHAPTER 6 TO RENAME REGIONAL SOLID WASTE
PLANNING BOARDS AND SOLID WASTE SERVICE AREA BOARDS AS
REGIONAL SOLID WASTE MANAGEMENT BOARDS AND TO PROVIDE
THE BOARDS ADDITIONAL POWERS AND DUTIES; AND FOR OTHER
PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. FINDINGS OF THE GENERAL ASSEMBLY. The Arkansas General Assembly makes the following findings:

(1) The present landfill capacity in the State of Arkansas is inadequate and is at or near the critical point;

(2), As of July 30, 1990, the capacity in Arkansas was about 4.3 years of landfill life for 63 municipal solid waste landfills;

(3) Adequate solid waste management planning is not possible at the present time because of the lack of accurate statistics on industrial landfill capacity and use; and

(4) The state has taken important steps to encourage recycling but a much greater effort is necessary to assist in addressing our solid waste management needs.

SECTION 2. Arkansas Code Title 8, Chapter 6, Subchapter 7 is amended to read as follows:

"SUBCHAPTER 7 - REGIONAL SOLID WASTE MANAGEMENT DISTRICTS AND BOARDS.

8-6-701. Purpose - Legislative findings - Construction.

The purpose of this subchapter is to protect the public health and the state's environmental quality by establishing regional solid waste management and planning. The current system relying upon solid waste management by individual counties and municipalities has fostered present conditions in which certain areas of the state are facing capacity shortages of crisis proportions, while others experience a surfeit of capacity with individual disposal facilities which cannot muster the resources for environmentally responsible operations. Given these disparate environmental and economic concerns, the Arkansas General Assembly concludes that regional solid waste management and planning, under the oversight of the Arkansas Department of Pollution Control and Ecology and the Arkansas Pollution Control and Ecology Commission or Pollution Control and Ecology, is essential to address the imminent and future needs of the state. The terms and obligations of this subchapter shall be liberally construed so as to achieve remedial intent.

8-6-702. Definitions. As used in this subchapter, unless the context otherwise requires:

(1) "Board" or "regional board" means a regional solid waste management board established pursuant to this subchapter;

(2) "Commission" means the ~~Arkansas Pollution Control and Ecology~~ Commission;

(3) "Department" means the Arkansas Department of Pollution Control and Ecology;

(4) "Director" means the director of the Arkansas Department of Pollution Control and ~~Ecology~~ Control and Ecology;

(5) "Disposal site" means any place at which solid waste is dumped, accepted, or disposed of for final disposition by landfilling, incinerating, composting, or any other method;

(6) "District" means a regional solid waste management district;

(7) "Interested party" means the director or his designee, the board, the person making application to the board, or any person submitting written comments on an application within the public comment period;

(8) "Landfill" means a permitted landfill under the Arkansas Solid

1 Waste Management Act, §8-6-201 et seq.;

2 (9) "Recyclable materials" or "recyclables" means those materials
3 from the solid waste stream that can be recovered for reuse in present or
4 reprocessed form;

5 (10) "Recyclable materials collection center" or "collection
6 center" means a facility which receives or stores recyclable materials
7 prior to timely transportation to material recovery facilities, markets
8 for recycling, or disposal;

9 (11) "Recycling" means the systematic collection, sorting,
10 decontaminating and returning of waste materials to commerce as
11 commodities for use or exchange;

12 (12) "Solid waste" means all putrescible and nonputrescible wastes
13 in solid, semisolid, or liquid form, including, but not limited to, yard
14 or food waste, waste glass, waste metals, waste plastics, wastepaper,
15 waste paperboard, and all other solid and semisolid wastes resulting
16 from industrial, commercial, agricultural, community, and residential
17 activities, but does not include "materials in the recycling process" as
18 the same are defined herein;

19 (13) "Solid waste management system" shall have the same meaning
20 as provided in §8-6-203;

21 (14) "Source separation" means the act or process of removing a
22 particular type of recyclable material from the solid waste stream at the
23 point of generation or at a point under control of the generator for the
24 purpose of collection and recycling;

25 (15) "Yard waste" means grass clippings, leaves, brush, and tree
26 prunings; and

27 (16) "Materials in the recycling process" means ferrous and
28 nonferrous metals diverted or removed from the solid waste stream so that
29 they may be reused, as long as such materials are processed or handled
30 using reasonably available processing equipment and control technology
31 (as determined by the director) taking cost into account, and a
32 substantial amount of the materials are consistently utilized to
33 manufacture a product which otherwise would have been produced using
34 virgin material.

35
36 8-6-703. Creation of districts and boards - Members of boards.

1 (a)(1) The eight (8) regional solid waste planning districts
2 created by Act 870 of 1989 and each solid waste service area created
3 pursuant to Act 870 of 1989 are renamed regional solid waste management
4 districts. Each district shall be governed by a regional solid waste
5 management board.

6 (2) The boundaries of a regional solid waste management
7 district may be modified and new regional solid waste management
8 districts may be created pursuant to §8-6-707.

9 (b) Each regional solid waste management board shall be composed
10 of representatives of the counties within the district and
11 representatives of all first class cities, of all cities with a
12 population over two thousand (2,000) according to the latest federal
13 decennial census, and of the largest city of each county within the
14 district. The county judge of each county within the district and the
15 mayor of each city entitled to a representative in the district shall
16 serve on the board unless such county judge or mayor elects instead to
17 appoint a member as follows:

18 (1) The county judge with confirmation by the quorum court
19 of each county within the district shall appoint one (1) member to the
20 board.

21 (2) The mayor with confirmation by the governing body of
22 each city entitled to a representative in the district shall appoint one
23 (1) member.

24 (c) Each board shall have a minimum of five (5) members. If the
25 number of members serving under subsection (b) above is less than five
26 (5), additional members necessary to make the total number equal five (5)
27 shall be appointed by mutual agreement of the other board members and
28 shall represent the general public within the district.

29 (d) Appointed regional board members shall serve for staggered
30 terms of two (2) years, provided, however, that all members appointed
31 pursuant to subsection (b) above shall serve at the pleasure of the
32 appointing body. Each appointed board member shall be eligible for a
33 maximum of two terms or four years total. The initial appointed members
34 of a board shall draw lots to determine terms of appointment so that, as
35 nearly as possible, the terms of an equal number of members will expire
36 each year.

1 (e) Vacancies shall be filled for any unexpired term of an
2 appointed member in the same manner as provided in subsections (b) and
3 (c) above.

4 (f) A majority of the membership of the board shall constitute a
5 quorum. A majority vote of those members present shall be required for
6 any action of the board.

7 (g) Each board shall annually select a chairman.
8

9 8-6-704. Boards - Powers and duties.

10 (a) The regional solid waste management boards shall have the
11 following powers and duties:

12 (1) To collect data, study, and initially evaluate the solid
13 waste management needs of all localities within their districts, as
14 provided in §8-6-716 and to publish their findings as a regional needs
15 assessment;

16 (2) To evaluate on a continuous basis the solid waste needs
17 of their districts, and thereby update the regional needs assessments at
18 least biennially;

19 (3) To formulate recommendations to all local governments
20 within their districts on solid waste management issues, and to
21 formulate plans for providing adequate solid waste management;

22 (4) To issue or deny certificates of need to any applicant
23 for a solid waste disposal facility permit within their district with the
24 exception of permits for landfills when a private industry bears the
25 expense of operating and maintaining the landfill solely for the
26 disposal of waste generated by the industry or wastes of a similar kind
27 or character;

28 (5) To petition the commission or director to issue, ~~and~~
29 continue in effect, revoke, modify, or deny any permit for any element of
30 a solid waste management system located within the district based on
31 compliance or noncompliance with the solid waste management plan of the
32 district;

33 (6) To adopt such rules or regulations pursuant to the
34 Administrative Procedure Act, §24-15-201 et seq., as are reasonably
35 necessary to assure public notice and participation in any findings or
36 rulings of the boards and to administer the duties of the board;

(7) To establish programs to encourage recycling;
(8) To adopt an official seal and alter it at pleasure;
(9) To maintain an office at such places as it may determine;

(10) To sue and be sued in its own name and to plead and be impleaded;

(11) To make and execute contracts and other instruments necessary or convenient in the exercise of the powers and functions of the district, including but not limited to entering into contracts and agreements with private entities for provisions of services; and

(12) To carry out all other powers and duties conferred by this subchapter and subchapter 8.

(13) To enter into an agreement with another solid waste management district to allow one district to transfer solid waste to another district. This will only be allowed if a solid waste district has no legally permitted landfill which can accept its solid waste.

(b) The regional solid waste management boards may:

(1) Apply for such permits, licenses, certificates, or approvals as may be necessary to construct, maintain, and operate any portion of a solid waste management system, and to obtain, hold and use licenses, permits, certificates, or approvals in the same manner as any other person or operating unit of any other person;

(2) Employ such engineers, architects, attorneys, real estate counselors, appraisers, financial advisors, and other consultants and employees as may be required in the judgment of the district and to fix and pay their compensation from funds available to the district therefor; and

(3) Purchase all kinds of insurance including, but not limited to, insurance against tort liability, business interruption, and risks of damage to property.

8-6-705. Needs assessments.

(a) All needs assessments required by this subchapter are subject to review and approval for completeness by the Arkansas Department of Pollution Control and Ecology.

(b) Failure to provide complete assessments as required by this

1 subchapter may provide the department with grounds to initiate
2 enforcement actions against the regional boards or their component
3 governmental entities. Pursuant to established administrative
4 procedures, sanctions may be imposed, including but not limited to
5 denial, discontinuation, or reimbursement of any grant funding
6 administered by the department to a district or any of their component
7 government entities.

8 (a) The department may award grants to the districts for the
9 development of the initial regional needs assessments, for the biennial
10 updates, and for any other update required by the law .

11

12 8-6-706. Solid waste landfill permits.

13 (a) Any applicant for a solid waste landfill permit, with the
14 exception of permits for landfills when a private industry bears the
15 expense of operating and maintaining the landfill solely for the
16 disposal of waste generated by the industry or wastes of a similar kind
17 or character, under the Arkansas Solid Waste Management Act, §8-6-201 et
18 seq., with the exception of permits for landfills when a private industry
19 bears the expense of operating and maintaining the landfill solely for
20 the disposal of waste generated by the industry or wastes of a similar
21 kind or character, must obtain a certificate of need from the board with
22 jurisdiction over the proposed site prior to submitting the application
23 to the Arkansas Department of Pollution Control and Ecology. The
24 department may deny any permit based upon the denial of a certificate of
25 need by any regional board.

26 (b)(1) Applicants must petition the board with jurisdiction over a
27 proposed solid waste disposal site for a certificate of need in
28 accordance with procedures adopted by the board.

29 (2) The applicant's petition must establish, at a minimum,
30 that the proposed disposal facility:

31 (A) Is consistent with the regional planning strategy
32 adopted by the board in the regional needs assessment or the regional
33 solid waste management plan;

34 (B) Does not conflict with existing comprehensive
35 land-use plans of any local governmental entities;

36 (C) Does not disturb an archaeological site as

1 recognized by the Arkansas Archaeological Survey, or a rare and
2 endangered species habitat as recognized by the Arkansas Game and Fish
3 Commission or the United States Fish and Wildlife Service;

4 (D) Will not adversely affect the public use of any
5 local, state, or federal facility, including but not limited to, parks
6 and wildlife management areas;

7 (E) Does not conflict with the requirements of state or
8 federal laws and regulations on the location of disposal facilities; and

9 (F) If located in the 100-year floodplain, does not
10 restrict the flow of the 100-year flood, reduce the temporary water
11 storage capacity of the floodplain, or result in washout of solid waste
12 so as to pose a hazard to human health or the environment.

13 (c) Any interested party to a certificate of need determination by
14 a board may appeal the decision to the director of the department
15 pursuant to procedures adopted by the commission. The director may issue
16 a permit despite the denial of a certificate of need if the director
17 finds upon appeal that the decision of the board was not supported by
18 substantial evidence.

19 (d) After notice and a public hearing to be held by the board in
20 the county where the proposed landfill is to be located, certificates of
21 need shall be issued or denied by the boards based upon an evaluation of:

22 (1) The information provided by the applicant in the by the applica-
23 petition for a certificate of need or a certificate of need;

24 (2) The requirements and considerations of any need determination
25 assessments prepared pursuant to this section; and (3) This section;

26 (3) The location of the applicant's proposed landfill based upon
27 on the district's needs and its highway and road system; highway and road system;

28 (4) The need for the landfill based upon the district's
29 excess projected capacity which is currently permitted for operation, but
30 but in no event shall the district's excess permitted projected capacity
31 exceed thirty (30) years;

32 (5) Any solid waste management system plans, promulgated and
33 approved pursuant to §§8-6-211 and 8-6-212 to the extent these plans
34 conform to an overall regional planning strategy;

35 (6) A detailed history of the applicant's record and that of
36 the stockholders and officers with respect to violations of

1 environmental laws and regulations of the United States or any state or
2 any political subdivision of any state; and

3 (7) Any procedures adopted by the board for issuance of
4 certificates of need.

5

6 8-6-707. Creation of New Regional Districts.

7 (a)(1) After notification of the appropriate regional board or
8 boards, the commission may designate a county or counties within each
9 district or counties within two (2) or more districts as a new regional
10 solid waste management district pursuant to the limitations of this
11 section.

12 (A) New regional solid waste management districts shall
13 be designated for purposes which address local exigencies, needs, and
14 other requirements of this subchapter.

15 (B) A regional solid waste management district shall
16 only be composed of whole county jurisdictions, and each district shall
17 contain more than one county unless that county has a population of at
18 least fifty thousand (50,000) according to the latest decennial census.

19 (2) Commission approval of regional solid waste management
20 district boundaries shall be sought and obtained pursuant to
21 administrative procedures promulgated by the commission.

22 (b) Counties and municipalities included in a new or revised
23 district shall cease to be members of any other district. The term of a
24 regional board member representing a county or municipality shall
25 immediately expire upon the inclusion of the county or municipality
26 within a new regional solid waste management district.

27 (c) After notification of the appropriate regional boards, the
28 commission, upon the request of a county or district, may transfer a
29 county into an existing district.

30

31 8-6-708. Procedure's and regulations.

32 The Arkansas Pollution Control and Ecology Commission is
33 authorized to prescribe procedures and regulations:

34 (1) To guide the initial and continued organization and operation
35 of the respective boards in accordance with the purposes of this
36 subchapter and subchapter 8

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(2) To assure public notice and participation prior to adoption of regional needs assessments, findings, or reports made by the boards;

(3) To defray some of the costs of the administration of this subchapter including, but not limited to, inspections and technical review of submissions required by this subchapter by setting graduated surcharges upon any waste stream increase in excess of ten percent (10%) as a result of receipt of solid waste from outside the district; and

(4) To require prompt compliance with the requirements of this subchapter and subchapter 8.

8-6-709. Agreements implementing subchapter.

(a)(1) Any regional solid waste management board may enter into agreements for the specific purpose of implementing this subchapter.

(2) Any such agreement shall specify the following:

(A) Its duration;

(B) The precise organization, composition, and nature of any separate legal or administrative entity created thereby; together with the powers delegated thereto, provided such entity may be legally created;

(C) Its purpose or purposes;

(D) The manner of financing the joint or cooperative joint undertaking and of establishing and maintaining a budget therefor; a budget provided that such legal entity may incur indebtedness for the large-scale purchase of land, equipment; and other expenses necessary to the operation of a solid waste management system or any part thereof; or any part

(E) The permissible methods or methods to be employed in accomplishing the partial or complete termination of the agreement and of the for disposing of property upon such partial or complete termination;

(F) The degree to which the joint or individual plans are drawn in accordance with the regional needs assessments required by this subchapter; and

(G) Any other necessary and proper matters.

8-6-710. Solid Waste Management Responsibility.

(a) Each regional solid waste management board shall be the governmental entity primarily responsible for providing a solid waste

1 management system for the district. The counties and municipalities
2 shall continue to be responsible for solid waste management services
3 within their corporate boundaries until the regional solid waste
4 management board determines in writing that the district is able to
5 assume the solid waste management responsibilities of the municipality
6 or county.

7 (b) Counties and municipalities in a district may provide a
8 portion of the solid waste management services, such as solid waste
9 pick-up, while the board provides other services and has assumed
10 responsibility therefor, such as disposal facilities, in which event the
11 counties and municipalities shall retain only the responsibility for the
12 system related to the services provided. In performing those retained
13 responsibilities, or assisting the board in performing its
14 responsibilities, counties and municipalities shall retain all present
15 legal powers and authority related to those responsibilities, including
16 but not limited to power and authority to levy and collect fees and
17 charges. Counties and municipalities may provide additional solid waste
18 management services in excess of those provided by the District at their
19 own expense so long as such services conform to the District Solid Waste
20 Management Plan.

21 8-6-711. District Solid Waste Management System.

22 (a) A district is authorized to own, acquire, construct,
23 reconstruct, extend, equip, improve, operate, maintain, sell, lease,
24 contract concerning, or otherwise deal in facilities of any nature
25 necessary or desirable for the control, collection, removal, reduction,
26 disposal, treatment, or other handling of solid waste.

27 (b) A district may elect to acquire the ownership or use of
28 elements of solid waste management systems owned or controlled by
29 municipalities, counties, improvement districts or sanitation
30 authorities within the district by contract on such terms as are mutually
31 agreed to be necessary, convenient or desirable. If the district has
32 elected such acquisition of ownership or use, it shall also have assumed
33 the responsibility associated with that project or element, as
34 contemplated by §8-6-714. If the district and the other entity or
35 entities which are parties to the acquisition cannot mutually agree on
36 the fair value to be paid and the method of compensation for the acquired

asset, then either party may have that value and method adjudicated as to fairness by the chancery court having jurisdiction of the district's principal office, in the manner of a declaratory judgment and not in the nature of eminent domain. The district shall have the discretion to proceed or not to proceed with the acquisition after the declaration is obtained. Nothing in this section shall be construed to give a district the power to make an acquisition described herein without the consent of the municipalities, counties, improvement districts, or sanitation authorities involved.

(c) A district may elect to seek a permit for a Class I landfill to be owned by the State of Arkansas, provided, however, that only one such landfill shall be sited in each of the eight (8) planning and development districts established pursuant to §14-166-202. Upon the district's obtaining a permit to operate, ownership interest in said landfill shall be vested with the State of Arkansas through deed or other conveyance.

(d) Existing and operating solid waste facilities within the district shall be incorporated into the district Solid Waste Management Plan or the district shall acquire ownership of that facility in the manner set forth in subsection (b) of this section.

8-6-712. Regulation of Solid Waste

(a) A district which has an approved solid waste management plan may:

(1) Require, by regulation or other legal means; that solid waste generated or collected within the boundaries of the district be delivered to a particular project for disposal, treatment, or other handling, provided however that nothing in this section shall be construed as impairing legal and proper contracts existing upon the effective date of this section under the Arkansas Constitution, or the notes or other evidences of indebtedness incurred pursuant to a revenue bond issued or reissued dependent upon a project involving a stated waste stream which is a contractual condition of said indebtedness;

(2) Prohibit, by regulation or other legal means, the collection, disposal, treatment, or other handling of solid waste within the boundaries of the district, by persons other than the district or any

1 persons designated by the district unless a district to district
2 agreement is entered into when one solid waste district has no legally
3 permitted landfill which can accept its solid waste;

4 (3) Provide, by regulation or other legal means, that no
5 person, other than as may be designated by the district, shall engage in
6 the collection or utilization of solid waste within the district which
7 would be competitive with the purposes or activities of the district; and

8 (4) Covenant in connection with the issuance of bonds,
9 notes, or other evidence of indebtedness to adopt any regulation
10 described in subdivisions (1)-(3) of this subsection and that any
11 regulation so adopted shall remain in full force and effect and shall be
12 enforced so long as any bonds, notes, or other evidences of indebtedness
13 remain outstanding.

14 (b) The districts shall issue rules or regulations which are
15 consistent with and in accordance with, but no more restrictive than, all
16 applicable environmental protection performance standards adopted by
17 state law or incorporated by reference from federal law.

18 (c) Nothing in this section shall prohibit the disposal of solid
19 waste generated by a private industry in a permitted landfill where the
20 private industry bears the expense of operating and maintaining the
21 landfill solely for the disposal of waste generated by the industry or
22 wastes of a similar kind or character. Furthermore, nothing in this act
23 shall prohibit the disposal of dead animal carcasses through means which
24 are otherwise permitted by state law or regulation.

25 (d) Nothing in this section shall prohibit the collection or
26 disposal of solid waste by a municipality with an existing permitted
27 landfill with a twenty-five year capacity as of January 1, 1991, where
28 the city bears the expense of operating and maintaining the landfill and
29 the landfill complies with EPA and Department of Pollution Control and
30 Ecology regulations.

31 (e) Nothing in this section shall prohibit a municipality or
32 county from constructing or operating a facility or project to process
33 and market recyclable materials for use as fuel.

34 8-6-713. Restriction on Local Government Bonds and Pledges.

35 (a) Unless approved by the board, no municipality, county,
36 improvement district or sanitation authority within the regional solid

1 waste management district shall:

2 (1) Issue any bonds for solid waste management purposes; or

3 (2) Pledge any revenues derived from solid waste management
4 services for any bond issue.

5 (b) Notwithstanding the provisions of subsection (a), no board
6 shall prohibit a municipality or county from issuing revenue bonds or
7 using general obligation bonds when the purpose of such issuance or usage
8 is the funding of a facility or project to process and market recycled
9 materials for use as fuel.

10 (c) The board shall not impair any existing bond issue or other
11 financial obligation of a municipality, county, improvement district or
12 sanitation authority.

13

14 8-6-714. Rents, Fees and Charges - Collection by Utilities.

15 (a) A regional solid waste management board may fix, charge, and
16 collect rents, fees, and charges for the disposal, treatment, or other
17 handling of solid waste by the district.

18 (b) The board may levy a service fee on each residence or business
19 for which the board makes solid waste collection or disposal services
20 available.

21 (c) (1) The board may, by majority vote, require fees or delinquent
22 fees to be collected with the real and personal property taxes of any
23 county within the district if the board elects to collect such fees in
24 this manner, it shall so notify the county tax collector, who shall enter
25 such fees on tax notices to be collected with the real and personal
26 property taxes of the county. No county tax collector shall accept
27 payment of any property taxes where the taxpayer has been billed for
28 solid waste collection services unless the service fee is also
29 receipted. If a property owner fails to pay the service fee, it shall
30 become a lien on the property.

31

32 8-6-715. Eminent domain.

33 (a) In the event that necessary lands needed for the
34 accomplishment of the purposes authorized by this chapter cannot be
35 acquired by negotiation, any district is authorized to acquire the
36 needed lands by condemnation proceedings under the power of eminent

1 domain.

2 (b) The proceedings may be exercised in the manner now provided
3 for taking private property for rights-of-way for railroads as set forth
4 in §§18-15-1202 - 18-15-1207. As a part of the proceedings, the district
5 shall file an environmental impact statement with the court.

6

7 (c) Nothing herein shall allow a district to appropriate by
8 eminent domain any property upon which is located a permitted landfill,
9 recycling facility, or incinerator or for which a permit for a landfill,
10 recycling facility, or incinerator is pending.

11

12 8-6-716. Regional Needs Assessment.

13 (a) Each board created pursuant to this subchapter shall prepare a
14 Regional Needs Assessment evaluating the solid waste management needs
15 within its district, provided however that such assessments need not
16 include an evaluation of the need for landfills where a private industry
17 bears the expense of operating and maintaining the landfill solely for
18 the disposal of wastes generated by the industry or wastes of a similar
19 kind or character. Such assessment shall be submitted for department
20 review, and the director shall approve or disapprove it within ninety
21 (90) days after submission. The assessments for boards created pursuant
22 to §8-6-703 shall be due on January 31, 1993, with updated assessments
23 due on January 31 of each odd-numbered year thereafter. If a board is
24 created pursuant to §8-6-707 or §8-6-723, the initial Regional Needs
25 Assessment shall be submitted on the next due date for assessments unless
26 the board obtains an extension of that deadline from the commission, with
27 updated assessments due on January 31 of each odd-numbered year
28 thereafter. The assessment shall include, at the minimum, the following:

29 (1) An evaluation of the amount of solid waste generated
30 within the district and the amount of remaining disposal capacity,
31 expressed in years, at the solid waste disposal facilities within the
32 district that are permitted under the Arkansas Solid Waste Management
33 Act, §8-6-201 et seq.;

34 (2) An evaluation of the solid waste collection,
35 transportation, and disposal needs of all localities within the
36 district; and

(3) An evaluation and balancing of the environmental, economic and other relevant factors which would be implicated by acceptance of solid waste from beyond the boundaries of the district.

(b) Each board shall update its Regional Needs Assessment, at the minimum, on a biennial basis.

(c) At a time not later than five (5) years before the disposal capacity in a region reaches its projected capacity, the board shall develop & request for proposals to increase the district's projected capacity for solid waste disposal within the district in accordance with its Regional Needs Assessment.

(d) No district shall receive solid waste from beyond its boundaries when projected capacity within the district is less than five (5) years.

(e) No owner or operator of a landfill serving a limited area of a district shall be required to increase the landfill's service area to accommodate the needs of the district.

8-6-717. Solid Waste Management Plan.

(a) Each board shall develop a plan to provide a solid waste management system. The plan shall be submitted to the department for approval. The plan shall include such information as the commission may require by regulation.

(b) The solid waste management plan of each board shall include a regional plan for establishing a recycling program and an educational program to provide the public information concerning solid waste and recycling.

(c) The solid waste management plan of each board shall include a plan to dispose of or recycle waste tires within the district. The plan shall provide a schedule for the identification and cleanup of illegal tire dump sites.

8-6-718. Waste Tires.

Beginning July 1, 1993, each board shall establish a waste tire collection center at which residents of the district may dispose of their waste motor vehicle tires at no cost except as provided by regulation of the commission or the board.

1 8-6-719. Regional Composting Program.

2 (a) Each board shall establish a program for the composting of
3 yard waste.

4 (b) Each board shall establish a pilot program for the composting
5 of yard waste collected in an area with a population of at least five
6 thousand (5,000) persons. The pilot program shall be established in each
7 district by July 1, 1992.

8

9 8-6-720. Opportunity to Recycle - Recyclable Materials Collection
10 Centers.

11 (a)(1) Beginning July 1, 1992, each board shall ensure that its
12 residents have an opportunity to recycle. Opportunity to recycle means
13 availability of curb side pick-up or collection centers for recyclable
14 materials at sites that are convenient for persons to use.

15 (2) Beginning July 1, 1993, at least one recyclable
16 materials collection center shall be available in each county of a
17 district unless the commission grants the district an exemption. An
18 exemption may be granted if a county is adequately served by a recyclable
19 materials collection center in another county.

20 (3) Boards shall assess the operation of existing and
21 proposed recycling centers and materials recovery facilities to
22 determine the adequacy of these facilities for the collection and
23 recovery of recyclable materials. Boards shall give due consideration
24 to existing recycling facilities in ensuring the opportunity to recycle
25 and are encouraged to use, to the extent practicable, persons engaged in
26 the business of recycling on the effective date of this section, whether
27 or not the persons were operating for profit.

28 (b) The department shall determine by regulation the adequacy of
29 the facilities and the number and type of recyclable materials for which
30 the services in this section must be provided.

31 (c) Each board shall provide information on how, when, and where
32 materials may be recycled, including a promotional program that
33 encourages source separation of residential, commercial, industrial, and
34 institutional materials.

35 (d) Each board should ensure alone or in conjunction with other
36 boards that materials separated for recycling are taken to markets for

1 sale or to materials recovery facilities.

2 (e) A board shall not prevent a person generating or collecting
3 recyclable materials from delivering the recyclable materials to a
4 recycling facility of the generator's or collector's choice.

5 (f) Each board shall incorporate into its solid waste management
6 plan its proposal for fulfilling the obligations of this section.

7 (g) Nothing in this section shall be construed to prohibit the
8 planning or implementation of any regional recycling program prior to
9 compliance with the requirements of subsection (f) of this section.

10

11 8-6-721. Licensing Haulers of Solid Waste.

12 (a) A person who engages in the business of hauling solid waste
13 must obtain a license from the regional solid waste management board if:

14 (1) the person is engaged in the collection of solid waste
15 within the district; or

16 (2) is engaged in the transportation of solid waste for
17 disposal or storage in the district.

18 (b) A license shall be issued only to a person, partnership,
19 corporation, association, the State of Arkansas, a political subdivision
20 of the state, an improvement district, a sanitation authority, or
21 another regional solid waste management district. The district may
22 engage in the hauling of solid waste within its own district without
23 licensure but shall comply with all applicable standards required under
24 this section.

25 (c) The commission shall establish classifications of haulers,
26 which shall be used by districts in licensing haulers. The
27 classifications shall be based on the nature and size of the loads
28 transported.

29 (d) The commission shall promulgate minimum standards for a
30 license to haul solid waste. One of the criteria for obtaining such a
31 license shall be the financial responsibility of the hauler.

32 (e) The board may impose more stringent standards than the minimum
33 standards established by the commission.

34 (f) The board may set a reasonable licensing fee for each class of
35 haulers.

36

1 8-6-722. Penalties.

2 Any person who violates this subchapter or any regulation of the
3 commission or of a board shall be deemed guilty of a misdemeanor. Upon
4 conviction the person shall be subject to imprisonment for not more than
5 thirty (30) days or a fine of not more than one thousand dollars
6 (\$1,000), or both imprisonment and fine.

7 8-6-723. Alternative formation of original districts.

8 (a) In lieu of forming a regional solid waste management district
9 under any other provision of this subchapter, a regional solid waste
10 management district may be created by interlocal agreement of the local
11 governments in any county with a population of at least ninety thousand
12 (90,000) persons and in which there is a permitted landfill on January 1,
13 1991. The regional solid waste management board of the district shall be
14 established by interlocal agreement. The creation of the district shall
15 be effective upon the Director's receipt of written notice in the form of
16 a joint resolution by the local governments.

17 (b) In lieu of forming a regional solid waste management district
18 under any other provision of this subchapter, a regional solid waste
19 management district may be created by a resolution of the governing body
20 of any authority created under the Joint County and Municipal Solid Waste
21 Disposal Act, §14-233-101 et seq. which includes a county having a
22 population of at least 60,000 persons and which has made application to
23 the Department for a solid waste disposal permit on or before January 1,
24 1991. The creation of a district shall be effective upon the governing
25 body of the authority notifying the Director in writing. The governing
26 body of a district created under this subsection shall be determined by
27 the authority creating the district. The provisions of § 8-6-703 or any
28 other section of this subchapter which provides for the method of
29 selection of the governing body of a district shall not apply to
30 districts formed under this subsection.

31 (c) The commission shall have no authority to add to or otherwise
32 change the boundaries of a district created under this section."
33

34 SECTION 3. Special Provisions.

35 (a) A county shall not be included in the boundaries of more than
36 one regional solid waste management district formed from a regional

1 solid waste planning district created pursuant to this act.

2 (b) The members of regional solid waste planning boards and solid
3 waste service area boards shall serve as board members of their
4 respective regional solid waste management districts until sixty (60)
5 days after the effective date of this act.

6 (c) New members shall be appointed to the regional solid waste
7 management boards pursuant to this act. The terms of the new appointees
8 to the regional solid waste management boards shall begin sixty days (60)
9 after the effective date of this act.

10 (d) The first meeting of the new board members shall be held
11 within ninety (90) days after the effective date of this act. At the
12 initial meeting the members shall draw lots to determine their terms of
13 appointment so that, as nearly as possible, the terms of an equal number
14 of members will expire each year.

15

16 SECTION 4. Arkansas Code Title 8, Chapter 6 is amended to add a
17 new subchapter to read as follows:

18

19 "SUBCHAPTER 8 - BONDS BY REGIONAL SOLID WASTE MANAGEMENT DISTRICTS.

20

21 8-6-801. Definitions.

22 As used in this subchapter, unless the context otherwise requires

23 (1) "Authority" means the Arkansas Development Finance Authority;

24 (2) "Board" means a regional solid waste management Board created
25 under subchapter 7 of this chapter;

26 (3) "Bonds" means bonds and any series of bonds authorized by and
27 issued pursuant to the provisions of this subchapter and comprehend
28 "revenue bonds," as defined in Amendment 6S, §3, of the Arkansas
29 Constitution;

30 (4) "Costs" or "project costs" means, but shall not be limited to:

31 (A) All costs of acquisition, construction, reconstruction,
32 improvement, enlargement, betterment, or extension of any project,
33 including the cost of studies, plans, specifications, surveys, and
34 estimates of costs and revenues relating thereto;

35 (B) All costs of land, land rights, rights-of-way and
36 easements, water rights, fees, permits, approvals, licenses,

1 certificates, franchises, and the preparation of applications for and
2 securing them;

3 (C) Administrative, organizational, legal, engineering, and
4 inspection expenses;

5 (D) Financing fees, expenses, and costs, including but not
6 limited to costs of credit enhancement or guaranties, trustees' fees,
7 paying agents' fees or similar fees, and fees to financial advisors and
8 other entities assisting in the issuance of bonds;

9 (E) Working capital;

10 (F) All machinery and equipment including construction
11 equipment;

12 (G) Interest on the bonds during the period of construction
13 and for such reasonable period thereafter as may be determined by the
14 issuing or borrowing district;

15 (H) Establishment of reserves; and

16 (I) All other expenditures of the issuing or borrowing
17 district incidental, necessary, or convenient to the acquisition,
18 construction, reconstruction, improvement, enlargement, betterment, or
19 extension of any project and the placing of it in operation;

20 (5) "District" means a regional solid waste management district
21 created under subchapter 7 of this chapter.

22 (6) "Project" means any real property, personal property, or mixed
23 property of any and every kind that can be used or will be useful in
24 controlling, collecting, storing, removing, handling, reducing,
25 disposing of, treating, and otherwise dealing in and concerning solid
26 waste, including, without limitation, property that can be used or that
27 will be useful in extracting, converting to steam, including the
28 acquisition, handling, storage, and utilization of coal, lignite, or
29 other fuel of any kind, or water that can be used or that will be useful
30 in converting solid waste to steam, and distributing the steam to users
31 thereof, or otherwise separating and preparing solid waste for reuse, or
32 that can be used or will be useful in generating electric energy by the
33 use of solid waste as a source of generating power and distributing the
34 electric energy to purchasers or users thereof in accordance with the
35 general laws of the state. However, for the purposes of this chapter not
36 more than twenty-five percent (25%) of the fuel used to produce steam or

1 electricity from any project shall consist of materials other than solid
2 waste; and

3 (7) "Solid waste" shall have the same meaning as provided in
4 §8-6-702.

5
6 8-6-802. Construction.

7 (a) The powers provided by this subchapter shall be supplemental
8 to all other powers conferred on regional solid waste management boards.

9 (b) Except as expressly provided in this subchapter, the
10 acquisition, construction, reconstruction, enlargement, equipment, or
11 operation and maintenance of projects under the provisions of this
12 subchapter need not comply with the requirements of any other law
13 applicable to the acquisition, construction, reconstruction,
14 enlargement, equipment, and operation and maintenance of public works or
15 facilities including, without limitation, laws pertaining to public
16 bidding, paying prevailing wages, transfer or exchange of title to real
17 or personal property, or any other aspect of the acquiring,
18 constructing, reconstructing, enlarging, equipping, or operation or
19 maintenance of public works or public projects, or transfer or exchange
20 of title to real or personal property, none of which laws shall be
21 applicable to projects under this subchapter.

22 (c) This subchapter, being necessary for the welfare of the state
23 and its inhabitants, shall be liberally construed to effect the purpose
24 hereof.

25
26 8-6-803. Pledge of rents, fees and charges.

27 A regional solid waste management board may pledge any rents, fees
28 and charges imposed by the board to secure the repayment of bonds issued
29 to finance projects, as provided for in this subchapter.

30
31 8-6-804. Bonds - Issuance, execution, and sale.

32 (a) Regional solid waste management boards are authorized to use
33 any available funds and revenues for the accomplishment of projects and
34 may issue bonds, as authorized by this subchapter, for the purpose of
35 paying project costs and accomplishing projects, either alone or
36 together with other available funds and revenues.

1 (b)(1) The issuance of bonds shall be by resolution of the board.

2 (2) The bonds may be coupon bonds payable to bearer, subject
3 to registration as to principal or as to principal and interest, or fully
4 registered bonds without coupons, may contain exchange privileges, may
5 be issued in one (1) or more series, may bear such date or dates, may
6 mature at such time or times, not exceeding forty (40) years from their
7 respective dates, may bear interest at such rate or rates, may be in such
8 form, may be executed in such manner, may be payable in such medium of
9 payment, at such place or places, may be subject to such terms of
10 redemption in advance of maturity at such prices, and may contain such
11 terms, covenants, and conditions as the resolution may provide,
12 including, without limitation, those pertaining to the custody and
13 application of the proceeds of the bonds, the collection and disposition
14 of revenues, the maintenance of various funds and reserves, the
15 investing and reinvesting of any moneys during periods not needed for
16 authorized purposes, the nature and extent of the security, the rights,
17 duties, and obligations of the district and the trustee for the holders
18 or registered owners of the bonds, and the rights of the holders or
19 registered owners of the bonds.

20 (c) There may be successive bond issues for the purpose of
21 financing the same project, and there may be successive bond issues for
22 financing the cost of reconstructing, replacing, constructing additions
23 to, extending, improving, and equipping projects already in existence,
24 whether or not originally financed by bonds issued under this
25 subchapter, with each successive issue to be authorized as provided by
26 this subchapter. Priority between and among issues and successive
27 issues as to security of the pledge of revenues and lien on the project
28 involved may be controlled by the resolution authorizing the issuance of
29 the bonds.

30 (d) Subject to the provisions of this subchapter pertaining to
31 registration, the bonds shall have all the qualities of negotiable
32 instruments under the laws of the State of Arkansas.

33 (e) The bonds may be sold at public or private sale for such
34 price, including, without limitation, sale at a discount and in such
35 manner the board may determine by resolution.

36 (f) Bonds issued under this subchapter shall be executed by the

1 manual or facsimile signatures of the chairman and secretary of the
2 board, but one of such signatures must be manual. The coupons attached
3 to the bonds may be executed by the facsimile signature of the chairman
4 of the board. In case any of the officers whose signatures appear on the
5 bonds or coupons shall cease to be officers before the delivery of the
6 bonds, or coupons, their signatures shall nevertheless be valid and
7 sufficient for all purposes. The seal of the board shall be placed or
8 printed on each bond in such manner as the board shall determine.

9 (g)(1) Prior to the issuance of any bonds pursuant to this
10 subchapter, the district shall seek the advice of the Arkansas
11 Development Finance Authority as to the financial feasibility of the
12 project to be financed, and shall provide the Authority with such
13 information and documentation as it may reasonably request in order to
14 render that advice. No bonds shall be issued without a determination by
15 the Authority that the financing and project are financially feasible
16 and advisable, in view of capital financing alternatives, utilization of
17 available funds from grants, proposed marketing strategies, cost of the
18 financing, and proposed procedures and structures for issuance of the
bonds;

20 (2) The district may request the Authority to designate it
21 as a "developer," as contemplated by §15-5-403, and, hence, to guarantee
22 the bonds, on such terms and conditions as may be mutually agreed upon by
23 the district and the Authority, consistent with the program delineated
24 in §15-5-401 et seq.;

25 (3) The district may also request that the Authority be the
26 issuer of the bonds and loan the proceeds thereof to the district,
27 secured by a pledge of revenues from the project on such terms as may be
28 necessary to permit the sale of the bonds, consistent with the provisions
29 hereof applicable to the issuance of bonds directly by districts.

30 (h) Regional solid waste management boards are specifically
31 authorized to apply for and receive loans from the Arkansas Soil and
32 Water Conservation Commission to finance projects, from the proceeds of
33 the commission's bonds issued pursuant to Act 586 of 1987 (§15-22-701 et
34 seq.), on terms mutually acceptable to the borrowing board and the
35 commission, including but not limited to provisions for a pledge of
revenues to secure such loans, as set forth in §5-6-803. The Arkansas

1 Soil and Water Conservation Commission is authorized but not required to
2 require, as prerequisite to approving any such loan, that the borrowing
3 board comply with some or all of the requirements of §8-6-804(a), (b)(1),
4 (f) and (g)(1) hereof. The Arkansas Soil and Water Conservation
5 Commission is further authorized to enter into agreements with the
6 Authority for such services to the commission or to the borrowing boards
7 as the commission deems necessary or desirable in furtherance of the
8 commission's powers and duties under §15-22-701 et seq., the authority
9 granted hereby being in addition to those powers and not in derogation or
10 restriction thereof.

11
12 8-6-805. Bonds - Trust indenture.

13 (a) The resolution authorizing the bonds may provide for the
14 execution by the district with a bank or trust company within or without
15 this state of a trust indenture which defines the rights of the holders
16 and registered owners of the bonds.

17 (b) The indenture may control the priority between and among
18 successive issues and may contain any other terms, covenants, and
19 conditions that are deemed desirable including, without limitation,
20 those pertaining to the custody and application of proceeds of the bonds,
21 the maintaining of rates and charges, the collection and disposition of
22 revenues, the maintenance of various funds and reserves, the nature and
23 extent of the security and pledging of revenues, the rights, duties, and
24 obligations of the district and the trustee for the holders or registered
25 owners of the bonds, and the rights of the holders and registered owners
26 of the bonds.

27 (c) The resolution or trust indenture authorizing or securing any
28 bonds issued under this subchapter may, or may not, impose a
29 foreclosable mortgage lien upon, or security interest in, the project
30 financed in whole or in part with the proceeds of the bonds, and the
31 nature and extent of the mortgage lien or security interest may be
32 controlled by the resolution or trust indenture including without
33 limitation, provisions pertaining to the release of all or part of the
34 project properties from the mortgage lien or security interest and the
35 priority of the mortgage lien or security interest in the event of the
36 issuance of additional bonds.

(d) Subject to the terms, conditions, and restrictions which may be contained in the resolution or trust indenture, any holder or registered owner of bonds issued under this subchapter, or of any coupon attached thereto, may, either at law or in equity, enforce the mortgage lien or security interest and may, by proper suit, compel the performance of the duties of the members and employees of the board as set forth in the resolution or trust indenture authorizing or securing the bonds.

8-6-806. Bonds - Default.

(a)(1) In the event of a default in the payment of the principal of, premium on, if any, or interest on any bonds issued under this subchapter, any court having jurisdiction may appoint a receiver to take charge of all or any part of the project in which there is a mortgage lien or security interest securing the bonds in default.

(2) The receiver shall have the power and authority to operate and maintain the project, to charge and collect rates, payments, rents, and charges sufficient to provide for the payment of the principal of, premium on, if any, and interest on the bonds, after providing for the payment of any costs of receivership and operating expenses of the project, and to apply the revenues derived from the project in conformity with this subchapter and the resolution or trust indenture authorizing or securing the bonds.

(3) When the default has been cured, the receivership shall be ended and the project returned to the district.

(b) The relief afforded by this section shall be construed to be in addition and supplemental to the remedies that may be afforded the trustee for the bondholders and the bondholders in the resolution or trust indenture authorizing or securing the bonds and shall be so granted and administered as to accord full recognition to priority rights of bondholders as to the pledge of revenues from, and the mortgage lien on and security interest in, the project as specified in and fixed by the resolutions or trust indentures authorizing or securing successive bond issues.

8-8-807. Bonds - Liability - Payment and security.

(a) It shall be plainly stated on the face of each bond that it

1 has been issued under the provisions of this subchapter, that the bonds
2 are obligations only of the district.

3 (b) No member of the board shall be personally liable on the bonds
4 or for any damages sustained by anyone in connection with any contracts
5 entered into in carrying out the purpose and intent of this subchapter
6 unless he shall have acted with corrupt intent.

7 (c) The principal of, and interest on, the bonds shall be payable
8 from, and may be secured by a pledge of, revenues derived from the
9 project acquired, constructed, reconstructed, equipped, extended, or
10 improved, in whole or in part, with the proceeds of the bonds or
11 obligations of the owners of projects.

12

13 8-6-808. Refunding bonds - Issuance.

14 (a) Bonds may be issued for the purpose of refunding any bonds
15 issued under this subchapter. Refunding bonds may be combined with bonds
16 issued under the provisions of §14-233-109 into a single issue.

17 (b) When refunding bonds are issued, they may either be sold or
18 delivered in exchange for the bonds being refunded. If sold, the
19 proceeds may either be applied to the payment of the bonds being refunded
20 or deposited in escrow for the retirement thereof.

21 (c) All refunding bonds shall in all respects be issued and
22 secured in the manner provided for other bonds issued under this
23 subchapter and shall have all the attributes of those bonds.

24 (d) The resolution under which refunding bonds are issued may
25 provide that any of the refunding bonds shall have the same priority of
26 lien on and security interest in project revenues and the project as was
27 enjoyed by the bonds refunded by them.

28

29 8-6-809. Rates, fees, and charges - Pledges.

30 (a) If the board pledges rates, fees, and charges, then for as long
31 as any bonds are outstanding and unpaid, the rates, fees, and charges
32 shall be so fixed by the district as to provide revenues sufficient:

33 (1) To pay all costs of and charges and expenses in
34 connection with the proper operation and maintenance of its projects,
35 and all necessary repairs, replacements, or renewals thereof;

36 (2) To pay when due the principal of, premium, if any, and

1 interest on all bonds including bonds subsequently issued for additional
2 projects, payable from the revenues;

3 (3) To create and maintain reserves as may be required by any
4 resolution or trust indenture authorizing or securing bonds; and

5 (4) To pay any and all amounts which the district may be
6 obligated to pay from project revenues by law or contract.

7 (b) Any pledge made by a district pursuant to this subchapter
8 shall be valid and binding from the date the pledge is made. The
9 revenues so pledged and then held or thereafter received by the district
10 or any fiduciary on its behalf shall immediately be subject to the lien
11 of the pledge without any physical delivery thereof or further act. The
12 lien of the pledge shall be valid and binding as against all parties
13 having claims of any kind in tort, contract, or otherwise against the
14 district without regard to whether such parties have notice thereof.

15 (c) The resolution, trust indenture, or other instrument by which
16 a pledge is created need not be filed or recorded in any manner.

17

18 8-6-810. Rights of bondholders.

19 Any holder or registered owner of bonds or coupons pertaining to
20 the bonds, except to the extent the rights given in this subchapter may
21 be restricted by the resolution or trust indenture authorizing or
22 securing the bonds and coupons may, either at law or in equity, by suit,
23 action, mandamus, or other proceeding protect and enforce any and all
24 rights under the laws of the state or granted under this subchapter or,
25 to the extent permitted by law, under the resolution or trust indenture
26 authorizing or securing the bonds or under any agreement or other
27 contract executed by a district pursuant to this subchapter, and may
28 enforce and compel the performance of all duties required by this
29 subchapter or by the resolution or trust indenture to be performed by any
30 district, or by any officer of the foregoing, including the fixing,
31 charging, and collecting of rates, fees, and charges.

32

33 8-6-811. Bonds - Tax exemption.

34 Bonds issued under the provisions of this subchapter, and the
35 interest thereon, shall be exempt from all state, county, and municipal
36 taxes, including property, income, inheritance, and estate taxes;

1 provided, however, that nothing herein shall preclude a district from
2 requesting the Authority to issue taxable bonds in furtherance of the
3 purposes hereof, on such terms as the district and Authority deem
4 advisable and in conformity with the Authority's statutory authority for
5 issuance of such bonds.

6
7 8-6-812. Tax exempt status of property and income of district.

8 All properties at any time owned by the district and the income
9 therefrom shall be exempt from all taxation in the State of Arkansas.

10
11 8-6-813. Investment of public funds in bonds.

12 Any municipality, any board, commission, or other authority
13 established by ordinance of any municipality, or the boards of trustees,
14 respectively, of the firemen's relief and pension fund and the
15 policemen's pension and relief fund of any municipality, or the board of
16 trustees of any retirement system created by the General Assembly of the
17 State of Arkansas, may in its discretion, invest any of its funds not
18 immediately needed for its purposes in bonds issued under the provisions
19 of this subchapter. Bonds issued under the provisions of this subchapter
20 shall be eligible to secure the deposit of public funds.

21
22 8-6-814. Transfer of facilities to district by county or
23 municipality.

24 Any municipality or county may acquire facilities for a project, or
25 any portion thereof, including a project site, by gift, purchase, lease,
26 or condemnation, and may transfer the facilities to the district by sale,
27 lease, or gift. The transfer may be authorized by ordinance of the
28 governing body without regard to the requirements, restrictions,
29 limitations, or other provisions contained in any other law."

30
31 SECTION 5. Any solid waste management system operating under the
32 authority of §14-233-101 et seq. with five (5) or more counties currently
33 being served by these authorities upon the passage of this act shall,
34 upon notification to the regional board and the Commission, shall be
35 designated a regional solid waste management district. The governing
36 body of the district shall be as determined by the authority by

1 resolution.

2

3 SECTION 6. All provisions of this Act of a general and permanent
4 nature are amendatory to the Arkansas Code of 1987 Annotated and the
5 Arkansas Code Revision Commission shall incorporate the same in the
6 Code.

7

8 SECTION 7. If any provision of this Act or the application thereof
9 to any person or circumstance is held invalid, such invalidity shall not
10 affect other provisions or applications of the Act which can be given
11 effect without the invalid provision or application, and to this end the
12 provisions of this Act are declared to be severable.

13

14 SECTION 8. All laws or parts of laws in conflict with this Act are
15 hereby repealed.

16

17 SECTION 9. EMERGENCY. It is hereby found and determined by the
18 Seventy-Eighth General Assembly of the State of Arkansas that some areas
19 of the state are facing critical shortages of solid waste disposal
20 capacity due to the difficulties in siting landfill facilities and the
21 difficulties of financing public waste recovery and disposal facilities
22 at the local level. It is found that regional solid waste authorities are
23 needed to expedite the financing, siting, and operation of new waste
24 management facilities in order that the health and welfare of the
25 citizens of Arkansas be insured and that the state's environment be
26 protected. Therefore, an emergency is hereby declared to exist, and this
27 act being necessary for the immediate preservation of the public peace,
28 health and safety shall be in full force and effect from and after its
29 passage and approval.

30

31

/s/ B. Gibson

32

33

34

35

36

APPROVED

3-26-91

GOVERNOR

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